

**BUREAU OF AUTOMOTIVE REPAIR**  
**SPECIFIC LANGUAGE OF PROPOSED REGULATIONS**  
**CONSUMER ASSISTANCE PROGRAM (CAP) VEHICLE RETIREMENT ELIGIBILITY**

Legend: Deleted text is indicated by ~~strikethrough~~.  
Added text is indicated by underlining.  
Omitted text is indicated by \* \* \* \*.

(1) Amend Section 3394.4 of Article 11 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, to read as follows:

**§ 3394.4. Eligibility Requirements.**

\* \* \* \*

(c) In order to qualify for participation in the Vehicle Retirement option of the Consumer Assistance Program, at the time of application, a vehicle must:

- (1) Be currently registered with the Department of Motor Vehicles; or,
- (2) Be currently operating under a repair cost waiver or economic hardship extension issued by the Bureau of Automotive Repair; or,
- (3) Be currently operating under a Temporary Operating Permit issued by the Department of Motor Vehicles; or,
- (4) Not have a registration that has been expired for more than ~~120~~ one hundred eighty (180) days after the date the application is postmarked; and
- (5) Have been continuously registered as an operable vehicle with the Department of Motor Vehicles for the twenty-four (24) months immediately preceding the current registration expiration date; and
- (6) Have failed a biennial smog check inspection no later than one hundred ~~and twenty 120~~ eighty (180) days after the expiration of the vehicle's most current renewal of registration with the Department of Motor Vehicles, provided that the registration renewal date is not more than ~~120~~ one hundred eighty (180) days prior to the postmarked date on the application, and that the failure is for causes other than an ignition timing adjustment, a failed gas cap functional test, or a non-emission related failure identified by the malfunction indicator light; and

\* \* \* \*

NOTE: Authority cited: Sections 44001.3, 44001.5 and 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44005, 44010.5, 44011, 44012, 44014.7, 44015, 44017, 44017.1, 44037.1, 44062.1, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.